

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE: NATIONAL PRESCRIPTION)	MDL 2804
OPIATE LITIGATION)	
)	Case No. 1:17-md-2804
THIS DOCUMENT RELATES TO:)	
)	Judge Dan Aaron Polster
<i>Applies to All Cases</i>)	

**KVK-TECH, INC.’S AMENDED SUBMISSION REGARDING
PLAINTIFF FACT SHEET AND SERVICE OF PROCESS ISSUES**

In accordance with the Court’s January 3, 2023, Order (Dkt. No. 4801) regarding Plaintiff Fact Sheets and Service of Process, KVK-Tech, Inc. (“KVK-Tech”), by and through its undersigned attorneys, respectfully submits the attached amended¹ list (**Exhibit A**) of plaintiff-subdivisions that named KVK-Tech,² but the plaintiff-subdivisions: (1) did not timely serve a Plaintiff Fact Sheet (“PFS”) to the PFS Repository by the October 14, 2022 deadline, in accordance with the Court’s October 6, 2022 Order³ and/or (2) did not obtain timely service of process on KVK-Tech in the listed case.

KVK-Tech has prepared this list to the best of its knowledge based on a reasonable investigation, but reserves all rights to further supplement and/or amend **Exhibit A** should additional information be discovered after this submission. KVK-Tech further expressly preserves and does not waive its individual rights, reservations, objections, arguments, and remedies,

¹ KVK-Tech timely submitted its original list on January 30, 2023. *See* Dkt. No. 4848. After further investigation into issues pertaining to service, KVK-Tech determined that certain amendments needed to be made. As such, the amendments contained within **Exhibit A**, attached hereto, relate only to plaintiff-subdivision cases where timely service of process on KVK-Tech no longer appeared to be an issue for purposes of this submission.

² For purposes of this submission, KVK-Tech has been designated by the Court as a “Non-Litigating Defendant.”

³ Order To All Governmental Plaintiffs Regarding Re-Service of Plaintiff Fact Sheets, Dkt. No. 4664 (directing “all governmental plaintiffs to re-serve their PFS **no later than Friday October 14, 2022**”). To the extent a plaintiff subdivision contends that it served a PFS to some other repository or e-mail distribution list at some other time, but did not re-serve its PFS to the PFS Repository, it has been included on the list.

including with respect to personal jurisdiction and/or service of process. KVK-Tech further reserves all rights as to any case where it has been named, but has no knowledge and/or notice of the same, if any, and has not listed such case(s) within **Exhibit A**. A failure to list such a case is inadvertent and not intended to waive any rights, including arguments for dismissal.

Pursuant to the Court's Order, KVK-Tech has limited its list only to cases brought by plaintiff-subdivisions and has excluded cases brought by other types of plaintiffs (e.g., Tribes, hospitals, third-party payors, etc.). In addition, per the Court's direction and as to PFS issues, KVK-Tech has limited its list of cases to those involving a failure to timely *serve* a PFS to the PFS Repository. By making this submission, KVK-Tech makes no representations and waives no arguments regarding the sufficiency of any PFS and reserves all rights to challenge the same. KVK-Tech further makes no representations and waives no arguments regarding the sufficiency of service of process in cases not listed herein and reserves all rights to challenge the same. KVK-Tech reserves the right to raise these and other challenges at the appropriate time.

Dated: February 6, 2023

Respectfully submitted,

/s/ Thomas E. Rice

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**ATTORNEY FOR DEFENDANT
KVK-TECH, INC.**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing was filed with the Clerk of the Court using the CM/ECF system on this 6th day of February, 2023, which will send notification of the same to all counsel of record.

I further certify that the list contained in Exhibit A has been provided in Excel format to the following members of the PEC (for distribution to plaintiffs) and to Special Master Cohen, per MDL 2804 Order, Dkt. 4801:

Mr. Mark Crawford (mcrawford@skikos.com)

Mr. Steven Skikos (sskikos@skikos.com)

Special Master David Cohen, (david@specialmaster.law)

/s/ Thomas E. Rice